

**REMARKS**

Claims 1-26, 28-35 and 37-44 are all of the claims presently pending in the application. Claims 1, 24 and 25 have been amended to incorporate the allowable subject matter of claim 36. Claim 35 has been editorially amended. Claim 36 has been canceled without prejudice or disclaimer.

Applicants gratefully acknowledge the Examiner's indication that claim 23 is allowed and that claim 36 would be allowable if rewritten in independent form. However, Applicants respectfully submit that all of claims 1-26 and 28-44 are allowable.

That is, Applicants submit that none of the cited prior art references, taken alone or in combination, teach or suggest "*said at least one species retarding a diffusion of said dopant during said annealing of said substrate*" as recited in claim 1 and similarly recited in claims 24 and 25.

However, merely in an effort to speed prosecution and to place the Application in a condition for immediate allowance, Applicants have amended claims 1, 24 and 25 to incorporate the allowable subject matter of claim 36.

Applicants expressly reserve the right to file a Continuation Application directed to the subject matter of unamended claims 1, 24 and 25.

In the Office Action dated January 11, 2005 the Examiner returned Applicants' PTO form-1449 (a copy of which is provided herewith), however the Examiner did not initial the 2003/009640 A1 U.S. Patent Application Publication. Instead, the Examiner indicated that the "document cannot be found". Applicants submit, however, that this document was included with the IDS filed on December 8, 2004, as indicated on the date-stamped USPTO filing receipt postcard (a copy of which is enclosed herewith).

Additionally, Applicants respectfully submit that the MPEP clearly states that if an IDS is filed in an application filed after June 30, 2003 copies of U.S. patents and U.S. patent application publications are not required (see MPEP 609). The present Application was filed on July 28, 2003.

Therefore, although Applicants filed a copy of the 2003/009640 A1 U.S. Patent Application Publication, Applicants are not required to do so. Therefore, Applicants respectfully request the Examiner to consider the 2003/009640 A1 U.S. Patent Application

Serial No. 10/627,753  
Docket No. YOR920030077US1

11

Publication and to return an initialed copy of the PTO form-1449 filed with the IDS dated December 8, 2004.

In view of the foregoing, Applicants submit that claims 1-26, 28-35 and 37-44, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: August 4, 2005



\_\_\_\_\_  
Scott M. Tulino, Esq.  
Registration No. 48,317

Sean M. McGinn, Esq.  
Registration No. 34,386

McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254